

November 6, 2015

**NOTICE OF DIVERSION OPPORTUNITY FOR ALL POST-1914 WATER RIGHTS FOR THE SACRAMENTO AND SAN JOAQUIN RIVER WATERSHEDS AND THE SACRAMENTO-SAN JOAQUIN DELTA**

State Water Resources Control Board (State Water Board) staff has determined that due to forecasted precipitation, diversion opportunities originally announced on Monday November 2<sup>nd</sup> will remain in effect for all water right holders in the Sacramento and San Joaquin River watersheds and the Sacramento-San Joaquin Delta until further notice with two exceptions. The exceptions include water rights for which Term 91 is currently in effect as well as water rights subject to curtailment orders for fishery protection. This notice is applicable beginning Friday November 6<sup>th</sup> and will remain in effect until further notice.

All diverters must comply with all terms and conditions of their water right, including the season of diversion and bypass conditions. You should keep a record of your diversions since such diversions are still subject to prior rights and reporting requirements. Any diversion in violation of the terms and conditions of your water right, or other notices or orders, is subject to enforcement.

State Water Board staff will be monitoring weather forecasts and stream gages to determine if conditions change. Please monitor your email and our website for further updates on water availability. If a lyris notice is issued on the weekend, the website will not be updated until the following Monday due to service limitations.

November 2, 2015

NOTICE OF TEMPORARY OPPORTUNITY TO DIVERT WATER UNDER ALL POST-1914 WATER RIGHTS FOR THE SACRAMENTO AND SAN JOAQUIN RIVER WATERSHEDS AND THE SACRAMENTO-SAN JOAQUIN DELTA

State Water Resources Control Board (State Water Board) staff have determined that, due to increased precipitation forecasts updated over the weekend by the California Nevada River Forecast Center for the current storm system, and the expected delayed runoff, a temporary diversion opportunity for all post-1914 water right holders in the Sacramento and San Joaquin River watersheds and Sacramento-San Joaquin Delta is now available.

The notice is applicable beginning Monday November 2<sup>nd</sup> and will tentatively remain in effect until Friday November 6<sup>th</sup>. Should weather conditions change or a complaint of injury be received, the ending date for the temporary release may be adjusted accordingly.

During this diversion opportunity, you must comply with all terms and conditions of your water right, especially the season of diversion and bypass conditions. This notice also does not relieve you of the responsibility to comply with other notices such as a Term 91 notice and orders of curtailment for fishery protection. You should keep a record of your diversions since such diversions are still subject to prior rights and reporting requirements. Any diversion in violation of the terms and conditions of your water right, or other notices, are subject to enforcement.

State Water Board staff will be monitoring weather forecasts and stream gages to determine if the temporary diversion opportunity should continue past Friday November 6<sup>th</sup>. Please monitor your email and our website for further updates on the suspension of the notice of water unavailability. If a lyrics notice is issued on the weekend, the website will not be updated until the following Monday due to service limitations.

November 2, 2015

**NOTICE OF AVAILABLE WATER TO DIVERT UNDER PRE-1927 WATER RIGHTS FOR THE SACRAMENTO RIVER WATERSHED AND SACRAMENTO-SAN JOAQUIN DELTA**

State Water Resources Control Board (State Water Board) staff has determined that sufficient water is now available to support diversions by all pre-1927 water right holders in the Sacramento River watershed and Sacramento-San Joaquin Delta. This includes those post-1914 water rights with a priority date between 1914 and December 31, 1926 that were subject to the May 1, 2015 and later notices of water unavailability. The notice is applicable beginning Friday October 30<sup>th</sup> and will remain in effect until further notice. Staff's determination of water availability is based on unimpaired water supply calculations and historical runoff data by the Department of Water Resources and reduced water right demands. A list of affected parties will be posted to the Division's Water Availability webpage at, [http://www.waterboards.ca.gov/waterrights/water\\_issues/programs/drought/water\\_availability.shtml](http://www.waterboards.ca.gov/waterrights/water_issues/programs/drought/water_availability.shtml)

During this diversion opportunity, you must comply with all terms and conditions of your water right, especially the season of diversion and bypass conditions. This notice also does not relieve you of the responsibility to comply with other notices such as a Term 91 notice and orders of curtailment for fishery protection. You should keep a record of your diversions since such diversions are still subject to prior rights and reporting requirements. Any diversion in violation of the terms and conditions of your water right, or other notices, are subject to enforcement.

State Water Board staff will be monitoring weather forecasts and stream gages to determine if the diversion opportunity should continue or be expanded for post-1926 water rights. Please monitor your email and our website for further updates on the suspension of the notice of water unavailability. If a lyris notice is issued on the weekend, the website will not be updated until the following Monday due to service limitations.

October 27, 2015

NOTICE OF AVAILABLE WATER TO DIVERT UNDER PRE-1914 WATER RIGHTS FOR THE YUBA, AMERICAN AND SAN JOAQUIN RIVER WATERSHEDS

State Water Resources Control Board (State Water Board) staff has determined that sufficient water is now available to support diversions by all pre-1914 water right holders in the Sacramento-San Joaquin watersheds and Delta. This includes those water rights subject to the June 12, 2015 and later notices of water unavailability in the Yuba, American and San Joaquin River watersheds. The notice is applicable beginning Tuesday October 27<sup>th</sup> and will remain in effect until further notice. Staff's determination of water availability is based on precipitation and runoff estimates forecasted by the National Weather Service, unimpaired water supply calculations by the Department of Water Resources and reduced water right demands.

During this diversion opportunity, you must comply with all terms and conditions of your water right, especially the season of diversion and bypass conditions. This notice also does not relieve you of the responsibility to comply with other notices such as a Term 91 notice and orders of curtailment for fishery protection. You should keep a record of your diversions since such diversions are still subject to prior rights and reporting requirements. Any diversion in violation of the terms and conditions of your water right, or other notices, are subject to enforcement.

State Water Board staff will be monitoring weather forecasts and stream gages to determine if the diversion opportunity should continue or be expanded for post-1914 water rights. Please monitor your email and our website for further updates on the suspension of the notice of water unavailability. If a lyris notice is issued on the weekend, the website will not be updated until the following Monday due to service limitations.



# Media Release

## **Water Now Available for Diversion by Senior Water Right Holders on the Sacramento, Feather River and Delta**

**For Immediate Release  
Sept. 17 2015**

**Contact: Kathy Mrowka  
(916) 341-5363**

The State Water Resources Control Board today notified pre-1914 water right holders with a priority date of 1903 or later in the Sacramento and Feather River watersheds and the Delta that there is currently water available to meet their reported demand under their priority of right. They had been notified on June 12 of this year that water was not available under their priority right.

The notification means that the holders of the 238 water rights affected can begin diverting again.

The notification is based on the State Water Board's analysis of the full natural flow for each of the watersheds, and is due primarily to reduced monthly diversion demand by water right holders in the Sacramento and Delta watersheds, as reported in response to a [February 4, 2015 Information Order](#) issued by the State Water Board.

Water shortage notifications remain in effect for pre-1914 water right holders in the Yuba, American and San Joaquin river watersheds, as well as for all post-1914 rights on the Sacramento-San Joaquin River watersheds and Delta.

All water right holders should keep a record of their diversions. Any water right holder found to be diverting water when there is insufficient water available to support their priority of right is subject to enforcement.

The State Water Board is monitoring weather forecasts and stream gages, and will notify water right holders of water availability or unavailability as conditions change.

### **Background**

California water rights law is based on seniority. In dry years, when there isn't enough water in the system to serve all water right holders, those with more junior rights should stop diverting water from rivers and streams so the available water can be used by more senior right holders.

The Water Commission Act of 1913, which took effect in 1914, created California's system of water rights and the distinction between junior and senior appropriative water rights. Senior water right holders are those claiming appropriative water rights established prior to the Water Commission Act, and riparian water rights. Riparian water rights are rights granted to owners of land abutting a stream or river. In most instances, riparian rights share equal priority to the available natural flow and have seniority over appropriative water rights (both pre-1914 and post-1914). For appropriative rights, the priority system is based on the concept of "first in time, first in right."





## Media Release

The State Water Board administers California's system of water rights and is authorized to prevent illegal diversions of water. Illegal diversions include taking water at times when there is insufficient water available under the priority of right held by the diverter.

Due to the severe drought in California, holders of [9,329 water rights](#) in five Northern California watersheds were notified between April and July of this year that insufficient water was available to meet their water right demand.

The State Water Board maintains a webpage to assist water right holders in several key watersheds to plan for possible limits on water supply availability. The webpage, titled "[Watershed Analysis](#)," details projected water supply, demand and availability for the watersheds most likely to face restrictions during the drought as demand outstrips available water supply.

Please visit our [website](#) to see what watersheds have received notices regarding water availability.

Information on the drought is available at the State Water Board's [drought website](#). To learn about all actions the state has taken to manage our water resources and cope with the impacts of the drought, visit [Drought.CA.Gov](#). Every Californian should take steps to conserve water. Find out how at [SaveOurWater.com](#).

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## State Water Resources Control Board

July 15, 2015

### **PARTIAL RESCISSION OF APRIL, MAY AND JUNE 2015 CURTAILMENT NOTICES AND CLARIFICATION OF STATE WATER BOARD POSITION RE: NOTICES OF UNAVAILABILITY OF WATER FOR THOSE DIVERTING WATER IN THE SACRAMENTO RIVER WATERSHED, SAN JOAQUIN RIVER WATERSHED AND DELTA, AND SCOTT RIVER**

The State Water Resources Control Board (State Water Board) issued two letters earlier this year (January 23, 2015 and April 2, 2015) advising persons of the drought and the resulting lack of surface water availability. These letters were issued to facilitate planning for diversions during critical water supply shortages.

In addition to the planning letters, the State Water Board staff has issued notices to specific water diverters alerting categories of users that information available to the State Water Board staff indicates there is insufficient water available to divert under the priority of their water rights. These notices were issued as follows:

#### **Sacramento River and Delta**

- May 1, 2015: All post-1914 rights (concurrent with term 91 curtailment); and
- June 12, 2015: All appropriative water rights with a priority date between 1903 and 1914.

#### **San Joaquin River**

- April 23, 2015: All post-1914 appropriative rights; and
- June 12, 2015: All appropriative water rights with a priority date between 1903 and 1914.

#### **Additional San Joaquin River Sub-watersheds**

- June 26, 2015: Appropriative rights in the Upper San Joaquin watershed with a priority date senior to 1903;
- June 26, 2015: Appropriative rights in the Merced watershed with a priority date between 1858 and 1902; and
- June 26, 2015: Four appropriative rights in the Tuolumne River watershed.

#### **Scott River**

- April 23, 2015: All Decreed Surplus Class Rights, Post-1914 rights, and Priority class 2 water rights in Schedule D4.

You received one of the above notices because information available to the State Water Board, of which you may not be aware, indicates there is insufficient water to divert under the priority of your right. The notice was provided to ensure that diverters: (a) are aware of the severity of the situation; (b) have reliable information regarding the amount of water available for their diversion; and (c) have information on whether water that may appear to be available instead is only available to serve senior rights (expressed in the notices as priority of rights).

The purpose of this notice is to rescind the “curtailment” portions of the unavailability notices you received. To the extent that any of the notices described above contain language that may be construed as an order requiring you to stop diversions under your affected water right, that language is hereby rescinded. Similarly, any language that may be construed as requiring affected water right holders to submit curtailment certification forms is hereby rescinded.

Please note that information available to the State Water Board continues to indicate that there is insufficient water available for the categories of junior water users identified in the State Water Board’s prior correspondence, identified above. If you believe you received this notice in error, or have

information that you want to provide in response to this notice, or have information you believe the State Water Board staff should otherwise consider, you may submit that information via email to: [SWRCB-Drought-Availability@waterboards.ca.gov](mailto:SWRCB-Drought-Availability@waterboards.ca.gov)

Diversion is always subject to water availability limitations, and diversions under your affected water right may be subject to enforcement should the State Water Board find such diversions are or were unauthorized. The State Water Board is continuing its drought-year inspections to determine whether diverters are using water to which they are not entitled.

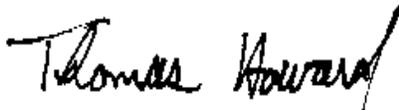
**Diversion when there is no available water under the priority of your right is an unauthorized diversion and use and is subject to enforcement by the State Water Board.** Those who are found to be diverting water beyond what is legally available to them may be subject to administrative penalties, cease and desist orders, or prosecution in court. If the State Water Board finds following an adjudicative proceeding that a person or entity has diverted or used water unlawfully, the State Water Board may assess penalties of up to \$1,000 per day of violation and \$2,500 for each acre-foot diverted or used in excess of a valid water right. (See Water Code, §§ 1052, 1055.) Additionally, if the State Water Board issues a Cease and Desist Order against an unauthorized diversion, violation of any such order can result in penalties of up to \$10,000 per day. (See Water Code, §§ 1831, 1845.) Any State Water Board enforcement action will be based upon the availability of water and be consistent with the reasonable and beneficial use requirement contained in article X, section 2 of the California Constitution. This notice does not establish or impose any new compliance responsibilities. Non-compliance with this notice shall not constitute a basis for the State Water Board's initiation of any enforcement action.

Consistent with the partial rescission of the prior notices, you are not required to complete and file the Curtailment Certification Form (Form) attached to the prior notices. The prior notices stated that there are no exceptions to curtailment, but provided opportunity for persons to inform the State Water Board, through the Form, whether they were under directives issued by the Division of Drinking Water or local health or drinking water regulation to provide continued water service to meet minimum health and safety standards. Although you are not required to complete the Form, you can voluntarily advise the State Water Board of directives regarding your domestic water system operation to facilitate the State Water Board's response to the drought conditions.

The State Water Board also encourages water right holders to assist in the prevention of unlawful diversion of water and in discouraging any waste or unreasonable use of water. To assist the State Water Board, you may file a complaint at: [http://www.dtsc.ca.gov/database/CalEPA\\_Complaint/index.cfm](http://www.dtsc.ca.gov/database/CalEPA_Complaint/index.cfm)

We recognize the burden and loss that California's historic drought is causing, and want to assure that others do not illegally benefit from your compliance with the Water Code.

Sincerely,

A handwritten signature in black ink that reads "Thomas Howard". The signature is written in a cursive, slightly slanted style.

Thomas Howard  
Executive Director

## State Water Resources Control Board

June 26, 2015

### **NOTICE OF UNAVAILABILITY OF WATER AND NEED FOR IMMEDIATE CURTAILMENT FOR THOSE DIVERTING WATER IN THE UPPER SAN JOAQUIN RIVER WATERSHED WITH A PRE-1914 APPROPRIATIVE CLAIM**

On January 23, 2015 and again on April 2, 2015, the State Water Resources Control Board (State Water Board) issued a Notice of Surface Water Shortage and Potential for Curtailment due to dry conditions throughout the State. On April 1, 2015, the Governor issued an executive order, order B-29-15, continuing the state of emergency, initially enacted on January 17, 2014, due to drinking water shortages, diminished water for agriculture production, degraded habitat for fish and wildlife, increased wildfire risk and the threat of saltwater contamination to fresh water supplies in the Sacramento-San Joaquin Delta (Delta).

On April 23, 2015 and May 1, 2015, the State Water Board issued curtailment notices to all post-1914 appropriative water rights in the Sacramento and San Joaquin River watersheds, inclusive of the Delta, due to insufficient projected water supplies. On June 12, 2015, the State Water Board issued a curtailment notice to all pre-1914 San Joaquin watershed diverters with a priority date of 1903 or later. Based on updated water supply projections provided by the Department of Water Resources, the State Water Board is now notifying pre-1914 claims of right within the Upper San Joaquin River watershed that, due to ongoing drought conditions, there is insufficient water in the system to service their claims of right.

#### **Curtailment of Certain Pre-1914 Claims of Right:**

Based upon the most recent inflow projections, along with the lack of forecasted precipitation events, the existing water supply in the Upper San Joaquin River watershed is insufficient to meet the needs of pre-1914 claims of right. With this notice, the State Water Board is notifying pre-1914 appropriative claims of right within the Upper San Joaquin River watershed of the need to immediately stop diverting water with the exceptions discussed below. The Upper San Joaquin River runs from upstream of Friant Dam to the confluence with the Merced River. This condition of curtailment will continue until water conditions improve. Even if there is water physically available at your point of diversion, that water is necessary to meet more senior water right holders' needs or the water may be released previously stored water which must continue instream to serve its intended beneficial use. If precipitation occurs in the following weeks or months, you should not commence diversion before being notified by the State Water Board that water is legally available for diversion under your priority of right. Evaluations for additional curtailments of more senior rights will be made every two weeks through September. This notice is not an order, but the State Water Board is currently in the field to determine if unauthorized diversions are actually taking place.

#### **Riparian and Pre-1914 Claimants:**

Some diverters responded to the State Water Board's February 2015 Informational Order by reporting their 2014 and projected 2015 diversions of water under both a riparian and pre-1914 claim of right. This Notice applies only to pre-1914 appropriative rights.

**Compliance Certification Required:**

Holders of pre-1914 water right claims receiving this notice are required to complete an online Curtailment Certification Form (Form) within seven days. The Form confirms your cessation of diversion under the specific pre-1914 claim of right. Completion of the Form is mandatory to avoid unnecessary potential enforcement proceedings. You are required to complete the Form for each pre-1914 claim of right identified through this notice at:

[http://www.waterboards.ca.gov/waterrights/water\\_issues/programs/ewrims/curtailment/2015curt\\_form.php](http://www.waterboards.ca.gov/waterrights/water_issues/programs/ewrims/curtailment/2015curt_form.php)

**Exceptions to Curtailment:**

If your diversion is for hydroelectric generation by direct diversion only and all water diverted is returned to the same stream system, you may continue to divert under your pre-1914 claim of right. If you continue to divert under the above circumstances, you must identify that on the Form and provide the information requested. If you have previously collected water to storage in a reservoir covered by a pre-1914 claim of right prior to this curtailment notice, you still may beneficially use that previously stored water. However, you must bypass all inflow into the reservoir at all times during the period this notice remains in effect.

**No Exception for Health and Safety:**

There is no exception to this notice for health and safety needs. However, we are aware that some water users must comply with directives issued by the Division of Drinking Water (DDW), or local health or drinking water regulations to provide continued water service to meet minimum health and safety standards. Should you continue to divert water under a claim of right subject to this notice to meet human health and safety needs, you must complete the Form identifying your health and safety needs, whether there is an applicable DDW, state or local regulation and your attempts at securing an alternate water supply. The State Water Board will carefully analyze the non-exempted continued diversions for minimum health and safety needs on a case-by-case basis.

**Potential Enforcement:**

Those who are found to be diverting water beyond what is legally available at the priority of a valid water right may be subject to administrative penalties, cease and desist orders, or prosecution in court. If the State Water Board finds, following an adjudicative proceeding, that a person or entity has diverted or used water unlawfully, the State Water Board may assess penalties of \$1,000 per day of violation and \$2,500 for each acre-foot diverted or used in excess of water available to the water right priority. (See Water Code, §§ 1052, 1055.) Additionally, if the State Water Board issues a cease and desist order against an unauthorized diversion, violation of any such order can result in a fine of \$10,000 per day. (See Water Code, §§ 1831, 1845.)

The State Water Board is encouraging diverters to work together to reach local voluntary agreements that not only provide solutions that help local communities with water shortages, but also prevent injury to other legal users of water and do not cause unreasonable effects on fish and wildlife.

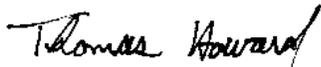
If you have any questions, please call our Curtailment Hotline at (916) 341-5342, contact us by email at: [SWRCB-Curtailment-Certification@waterboards.ca.gov](mailto:SWRCB-Curtailment-Certification@waterboards.ca.gov), or review our drought year webpage at: [http://www.waterboards.ca.gov/waterrights/water\\_issues/programs/drought/index.shtml#notices](http://www.waterboards.ca.gov/waterrights/water_issues/programs/drought/index.shtml#notices)

The State Water Board also encourages water right holders to assist in the prevention of unlawful diversion of water and in discouraging any waste or unreasonable use of water. To assist the State Water Board, you may file a complaint at:

[http://www.dtsc.ca.gov/database/CalEPA\\_Complaint/index.cfm](http://www.dtsc.ca.gov/database/CalEPA_Complaint/index.cfm)

We recognize the burden the drought creates, and want to assure that others do not illegally benefit from your curtailments.

Sincerely,

A handwritten signature in black ink that reads "Thomas Howard". The signature is written in a cursive style with a prominent initial "T".

Thomas Howard  
Executive Director



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## State Water Resources Control Board

June 26, 2015

San Francisco Public Utilities Commission  
City and County of San Francisco  
525 Golden Gate Avenue  
San Francisco, CA 94102

Dear Sir or Madam:

### CLARIFICATION NOTICE OF UNAVAILABILITY OF WATER FOR STATEMENTS OF WATER DIVERSION AND USE S002637, S014379, S018734 AND S018735 OF CITY AND COUNTY OF SAN FRANCISCO

On June 12, 2015, the State Water Resources Control Board (State Water Board) issued a notice of unavailability of water and need for immediate curtailment for those diverting water in the Sacramento-San Joaquin watersheds and Delta with a pre-1914 appropriative claim commencing during or after 1903. The notice is available at:

[http://www.waterboards.ca.gov/waterrights/water\\_issues/programs/drought/docs/pre14curtailmentjun2015.pdf](http://www.waterboards.ca.gov/waterrights/water_issues/programs/drought/docs/pre14curtailmentjun2015.pdf).

The City and County of San Francisco (San Francisco) did not receive the notice for any of its Statements of Water Diversion and Use (Statements) that claim pre-1914 appropriative rights within the San Joaquin River watershed. The State Water Board's records show that San Francisco claimed a 1901 priority date for Statements S002635, S002636 and S002638 on its information submitted to comply with Order WR 2015-0002. Statements 2637, 14379, 18734 and 18735, also owned by San Francisco, were not subject to the Order.

When updating San Francisco data, State Water Board staff changed the priority date of Statements 2637, 14379, 18734 and 18735 to 1901 because these Statements do not identify a priority date, or a year of first use prior to 1914. We have re-evaluated this issue and determined that we cannot assign a 1901 priority date without verification that this is appropriate. Our records indicate the following: S002637 year of first use was 1925; S014379 year of first use was 1918; S018734 no data on year of first use; and S018735 year of first use was 1927. For curtailment purposes, we are considering the priority dates for the water rights underlying these Statements to be no earlier than 1914. Therefore, this Notice is to inform San Francisco that water is unavailable for diversion under these Statements (Statements 2637, 14379, 18734 and 18735) and diversions under the associated water right claims should stop to avoid potential unauthorized diversion of water. This Notice is not an order, but the State Water Board is currently in the field to determine if unauthorized diversions are actually taking place.

San Francisco is required to file an online Curtailment Certification Form for each of these statements within 7 days. The Form is available at:  
[http://www.waterboards.ca.gov/waterrights/water\\_issues/programs/ewrims/curtailment/2015curt\\_form.php](http://www.waterboards.ca.gov/waterrights/water_issues/programs/ewrims/curtailment/2015curt_form.php)

FELICIA MARCUS, CHAIR | THOMAS HOWARD, EXECUTIVE DIRECTOR

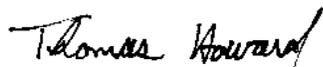
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1001 I Street, Sacramento, CA 95814 | Mailing Address: P.O. Box 100, Sacramento, Ca 95812-0100 | [www.waterboards.ca.gov](http://www.waterboards.ca.gov)

We also request that San Francisco voluntarily provide information supporting these claims consistent with the information required by Order WR 2015-0002. Voluntary submittal of the information is preferred and eliminates any necessity of the State Water Board using its authority to issue an informational order for this information. .

Any questions on this matter may be referred to Program Manager Kathy Mrowka. Ms. Mrowka can be contacted at (916) 341-5363 or by email at [kathy.mrowka@waterboards.ca.gov](mailto:kathy.mrowka@waterboards.ca.gov). Written correspondence should be addressed to Ms. Mrowka at the following address: State Water Resources Control Board, Division of Water Rights, attn: Kathy Mrowka, P.O. Box 2000, Sacramento, CA 95814.

Sincerely,

A handwritten signature in black ink that reads "Thomas Howard". The signature is written in a cursive style with a prominent initial "T".

Thomas Howard  
Executive Director

## State Water Resources Control Board

June 16, 2015

### CLARIFICATION NOTICE OF CURTAILMENT FOR SACRAMENTO-SAN JOAQUIN DELTA DIVERTERS CLAIMING BOTH A PRE-1914 AND RIPARIAN WATER RIGHT

On June 12, 2015 the State Water Resources Control Board (State Water Board) issued a notice (Curtailment Notice) that there was insufficient water available to meet the needs for all pre-1914 appropriative claims in the Sacramento, San Joaquin and Delta watersheds with a priority date of 1903 or later. We have received inquiries from parties that have a pre-1914 claim of right in the Delta but were not identified as a recipient of the June 12, 2015 Curtailment Notice.

In the Delta, many diverters responded to the State Water Board's February 2015 Informational Order by reporting their 2014 and projected 2015 diversions of water under both a riparian and pre-1914 claim of right. Stakeholders representing these Delta senior right claimants advised the State Water Board that in the event the pre-1914 claims were curtailed, these claimants would continue to divert under their riparian water right claim due to the hydrology of the Delta.

For its curtailment analysis, State Water Board staff assigned all of the Delta demands reported under both a riparian and pre-1914 claim as riparian demand for prioritization purposes. Therefore, the pre-1914 demand assigned to these rights was zero.

Because you claim both a riparian right and a pre-1914 right in the Delta with a priority of 1903 or later, or failed to provide a priority date, this notice is to clarify that, as of June 12, 2015, there is insufficient water in the system to meet the needs served by your pre-1914 right. However, this clarification notice does not apply to your riparian claim of right.

You are required to document receipt of this notice by completing an online Curtailment Certification Form (Form) within seven days. You can complete the Form for each pre-1914 claim of right identified through this notice at:  
[http://www.waterboards.ca.gov/waterrights/water\\_issues/programs/ewrims/curtailment/2015curt\\_form.php](http://www.waterboards.ca.gov/waterrights/water_issues/programs/ewrims/curtailment/2015curt_form.php)

The Form is mandatory to confirm your cessation of diversion under the specific pre-1914 claim of right. If you intend to continue to divert water under your riparian claim, without any other changes, you can complete the Form by checking the following boxes, adding a comment (example shown below) and submitting the completed Form to the State Water Board:

- **ALTERNATE SOURCE** I hereby certify that I will not be diverting any water under the above specified appropriative water right during the 2015 curtailment period. However, I will be serving all or a portion of its place of use with my alternate source(s) of water, as specified below:
- Riparian water right(s) and/or pre1914 appropriative water right(s)\*
- Water use is reported under Statement of Water Diversion and Use No(s) (add statement #)

#### Example

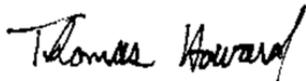
**Additional Comment:** I continue to exercise my riparian claim of right covered by the same Statement of Water Diversion and Use for which I also claimed a pre-1914 right with a

priority date of 1903 or later. I understand that diversions under my pre-1914 claim of right are subject to the Curtailment Notice.

Please note that the State Water Board is currently conducting inspections in the Sacramento and San Joaquin watersheds and Delta. All water diversions must be made under a valid basis of right.

If you have any questions, you may contact our curtailment hotline at (916) 341-5342.

Sincerely,

A handwritten signature in black ink that reads "Thomas Howard". The signature is written in a cursive style with a large initial 'T' and a long, sweeping underline.

Tom Howard  
Executive Director

## State Water Resources Control Board

June 12, 2015

### **NOTICE OF UNAVAILABILITY OF WATER AND NEED FOR IMMEDIATE CURTAILMENT FOR THOSE DIVERTING WATER IN THE SACRAMENTO-SAN JOAQUIN WATERSHEDS AND DELTA WITH A PRE-1914 APPROPRIATIVE CLAIM COMMENCING DURING OR AFTER 1903**

On January 23, 2015 and again on April 2, 2015, the State Water Resources Control Board (State Water Board) issued a Notice of Surface Water Shortage and Potential for Curtailment due to dry conditions throughout the State. On April 1, 2015, the Governor issued an executive order, order B-29-15, continuing the state of emergency, initially enacted on January 17, 2014, due to drinking water shortages, diminished water for agriculture production, degraded habitat for fish and wildlife, increased wildfire risk and the threat of saltwater contamination to fresh water supplies in the Sacramento-San Joaquin Delta (Delta).

On April 23, 2015 and May 1, 2015, the State Water Board issued curtailment notices to all post-1914 appropriative water rights in the Sacramento and San Joaquin River watersheds, inclusive of the Delta, due to insufficient projected water supplies. Based on updated water supply projections provided by the Department of Water Resources in early May, the State Water Board is now notifying pre-1914 claims of right, with a priority date of 1903 and later for the Sacramento-San Joaquin watersheds and the Delta, that, due to ongoing drought conditions, there is insufficient water in the system to service their claims of right.

#### **Curtailment of Certain Pre-1914 Claims of Right Commenced During or After 1903:**

Based upon the most recent reservoir storage and inflow projections, along with forecasts for future precipitation events, the existing water supply in the Sacramento-San Joaquin watersheds and Delta watersheds is insufficient to meet the needs of some pre-1914 claims of right. With this notice, the State Water Board is notifying pre-1914 appropriative claims of right with a priority date of 1903 and later within the Sacramento -San Joaquin watersheds and Delta of the need to immediately stop diverting water with the exceptions discussed below. This condition of curtailment will continue until water conditions improve. Even if there is water physically available at your point of diversion, that water is necessary to meet more senior water right holders' needs or the water may be released previously stored water which must continue instream to serve its intended beneficial use. If precipitation occurs in the following weeks or months, you should not commence diversion before being notified by the State Water Board that water is legally available for diversion under your priority of right. Evaluations for additional curtailments of more senior rights will be made every two weeks through September.

#### **Compliance Certification Required:**

Holders of pre-1914 water right claims with priority dates equal to or later than 1903 are required to document receipt of this notice by completing an online Curtailment Certification Form (Form) within seven days. The Form confirms your cessation of diversion under the specific pre-1914 claim of right. Completion of the Form is mandatory to avoid unnecessary potential enforcement proceedings. You are required to complete the Form for each pre-1914 claim of right identified through this notice at:

[http://www.waterboards.ca.gov/waterrights/water\\_issues/programs/ewrims/curtailment/2015curt\\_form.php](http://www.waterboards.ca.gov/waterrights/water_issues/programs/ewrims/curtailment/2015curt_form.php)

**Exceptions to Curtailment:**

If your diversion is for hydroelectric generation by direct diversion only and all water diverted is returned to the same stream system, you may continue to divert under your pre-1914 claim of right. If you continue to divert under the above circumstances, you must identify that on the Form and provide the information requested. If you have previously collected water to storage in a reservoir covered by a pre-1914 claim of right prior to this curtailment notice, you still may beneficially use that previously stored water. However, you must bypass all inflow into the reservoir at all times during the period this notice remains in effect.

**No Exception for Health and Safety:**

There is no exception to this notice for health and safety needs. However, we are aware that some water users must comply with directives issued by the Division of Drinking Water (DDW), or local health or drinking water regulation to provide continued water service to meet minimum health and safety standards. Should you continue to divert water under a claim of right subject to this notice to meet human health and safety needs, you must complete the Form identifying your health and safety needs, whether there is an applicable DDW, state or local regulation and your attempts at securing an alternate water supply. The State Water Board will carefully analyze the non-exempted continued diversions for minimum health and safety needs on a case-by-case basis.

**Potential Enforcement:**

Those who are found to be diverting water beyond what is legally available to them may be subject to administrative penalties, cease and desist orders, or prosecution in court. If the State Water Board finds following an adjudicative proceeding that a person or entity has diverted or used water water unlawfully, the State Water Board may assess penalties of \$1,000 per day of violation and \$2,500 for each acre-foot diverted or used in excess of a valid water right. (See Water Code, §§ 1052, 1055.) Additionally, if the State Water Board issues a Cease and Desist Order against an unauthorized diversion, violation of any such order can result in a fine of \$10,000 per day. (See Water Code, §§ 1831, 1845.)

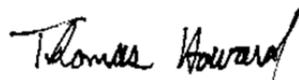
The State Water Board is encouraging diverters to work together to reach local voluntary agreements that not only provide solutions that help local communities with water shortages, but also prevent injury to other legal users of water and do not cause unreasonable effects on fish and wildlife. If you have any questions, please call our Curtailment Hotline at (916) 341-5342, contact us by email at: [SWRCB-Curtailment-Certification@waterboards.ca.gov](mailto:SWRCB-Curtailment-Certification@waterboards.ca.gov), or review our drought year webpage at: [http://www.waterboards.ca.gov/waterrights/water\\_issues/programs/drought/index.shtml#notices](http://www.waterboards.ca.gov/waterrights/water_issues/programs/drought/index.shtml#notices)

The State Water Board also encourages water right holders to assist in the prevention of unlawful diversion of water and in discouraging any waste or unreasonable use of water. To assist the State Water Board, you may file a complaint at:

[http://www.dtsc.ca.gov/database/CalEPA\\_Complaint/index.cfm](http://www.dtsc.ca.gov/database/CalEPA_Complaint/index.cfm)

We recognize the burden the drought creates, and want to assure that others do not illegally benefit from your curtailments.

Sincerely,



Thomas Howard  
Executive Director

## State Water Resources Control Board

April 23, 2015

### **NOTICE OF UNAVAILABILITY OF WATER AND IMMEDIATE CURTAILMENT FOR THOSE DIVERTING WATER IN THE SAN JOAQUIN RIVER WATERSHED WITH A POST-1914 APPROPRIATIVE RIGHT**

On January 23, 2015 and again on April 2, 2015, the State Water Resources Control Board (State Water Board) issued a Notice of Surface Water Shortage and Potential for Curtailment due to dry conditions throughout the State. On April 1, 2015, the Governor issued an executive order, order B-29-15, continuing the state of emergency, initially enacted on January 17, 2014, due to drinking water shortages, diminished water for agriculture production, degraded habitat for fish and wildlife, increased wildfire risk and the threat of saltwater contamination to fresh water supplies in the Sacramento-San Joaquin Delta.

#### **Curtailment of Post-1914 Water Rights:**

Based upon the most recent reservoir storage and inflow projections, along with forecasts for future precipitation events, the State Water Board has determined that the existing water supply in the San Joaquin River watershed is insufficient to meet the needs of all water rights holders. With this notice, the State Water Board is notifying all holders of post-1914 appropriative water rights within the San Joaquin River watershed of the need to immediately stop diverting under their post-1914 water rights, with the exceptions discussed below. Please be advised that, if you continue to divert under a claim of pre-1914 right, most or all pre-1914 rights in the San Joaquin River watershed are likely to be curtailed later this year due to the extreme dry conditions. This condition of curtailment will continue until water conditions improve. Even if there is water physically available at your point of diversion, that water is necessary to meet senior water right holders' needs or is water released from storage that you are not entitled to divert. If precipitation occurs in the following weeks or months, you should not commence diversion before being notified by the State Water Board that water is legally available for diversion under your priority of right.

Permission to initiate diversions during or following significant rainfall events may be posted at: [http://www.waterboards.ca.gov/waterrights/water\\_issues/programs/drought/index.shtml#notices](http://www.waterboards.ca.gov/waterrights/water_issues/programs/drought/index.shtml#notices). You can get immediate email updates from the State Water Board about these notices by subscribing to "Drought Updates" at: [http://www.waterboards.ca.gov/resources/email\\_subscriptions/](http://www.waterboards.ca.gov/resources/email_subscriptions/)

#### **Compliance Certification Required:**

Curtailed post-1914 diverters are required to document receipt of this notice by completing an online Curtailment Certification Form (Form) within seven days. The Form confirms your cessation of diversion under the specific post-1914 water right, and, if applicable, identifies the alternate water supply you will use in lieu of the curtailed water right. Completion of the Form is mandatory to avoid unnecessary potential enforcement proceedings. You are required to complete the Form for each post-1914 water right identified through this curtailment at: [http://www.waterboards.ca.gov/waterrights/water\\_issues/programs/ewrims/curtailment/2015curt\\_form.php](http://www.waterboards.ca.gov/waterrights/water_issues/programs/ewrims/curtailment/2015curt_form.php)

**Exceptions to Curtailment:**

If your diversion is for hydroelectric generation and all water diverted is returned to the same stream system, you may continue to divert under your post-1914 permit or license. If you continue to divert under the above circumstances, you must identify that on the Form and provide the information requested. If you have previously collected water to storage in a reservoir covered by a post-1914 right prior to this curtailment notice, you still may beneficially use that previous stored water consistent with the terms and conditions of your post-1914 water right. However, you must bypass all inflow into the reservoir at all times during the curtailment.

**No Exception for Health and Safety:**

There is no exception to the curtailment notice for health and safety needs. However, we are aware that some water users must comply with directives issued by the Division of Drinking Water (DDW), or local health or drinking water regulation to provide continued water service to meet minimum health and safety standards. Should you continue to divert water under a curtailed water right to meet human health and safety needs, you must complete the Form identifying your health and safety needs, whether there is an applicable DDW, state or local regulation and your attempts at securing an alternate water supply. The State Water Board will carefully analyze the non-exempted continued diversions for minimum health and safety needs on a case-by-case basis.

**Potential Enforcement:**

Those who are found to be diverting water beyond what is legally available to them may be subject to administrative fines, cease and desist orders, or prosecution in court. The State Water Board may levy fines of \$1,000 per day of violation and \$2,500 for each acre-foot diverted or used in excess of a valid water right. (See Water Code, §§ 1052,1055.) Additionally, if the State Water Board issues a Cease and Desist Order against an unauthorized diversion, violation of any such order can result in a fine of \$10,000 per day. (See Water Code, §§ 1831, 1845.)

The State Water Board is encouraging diverters to work together to reach local voluntary agreements that not only provide solutions that help local communities with water shortages, but also prevent impacts to other legal users of water and do not cause unreasonable effects on fish and wildlife. If you have any questions, please call our Curtailment Hotline at (916) 341-5342, contact us by email at: [SWRCB-Curtailment-Certification@waterboards.ca.gov](mailto:SWRCB-Curtailment-Certification@waterboards.ca.gov), or review our drought year webpage at:

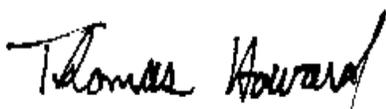
[http://www.waterboards.ca.gov/waterrights/water\\_issues/programs/drought/index.shtml](http://www.waterboards.ca.gov/waterrights/water_issues/programs/drought/index.shtml)

The State Water Board also encourages water right holders to assist in the prevention of unlawful diversion of water and in discouraging any waste or unreasonable use of water. To assist the State Water Board, you may file a complaint at:

[http://www.dtsc.ca.gov/database/CalEPA\\_Complaint/index.cfm](http://www.dtsc.ca.gov/database/CalEPA_Complaint/index.cfm).

We recognize the burden and loss this notice creates for you during the drought, and want to assure that others do not illegally benefit from your curtailments.

Sincerely,



Thomas Howard  
Executive Director

November 19, 2014

**NOTICE OF TEMPORARY LIFTING OF CURTAILMENTS FOR DIVERSIONS IN THE SACRAMENTO-SAN JOAQUIN WATERSHED**

The State Water Resources Control Board (State Water Board) has temporarily lifted the water right curtailments for post-1953 permits and licenses in the Sacramento and San Joaquin River watersheds beginning immediately and continuing until further notice. The temporary authorization for diversion is based on this week's rain event and associated projected runoff. All diversions during this time period must be in accordance with the State Water Board's October 3, 2014 letter and email notification.

During this diversion opportunity, you must comply with all terms and conditions of your water right, especially season of diversion and bypass conditions. This notice also does not relieve your responsibility to comply with other curtailments, like Term 91 Curtailment and Curtailment Orders for Deer Creek. You should keep a record of your diversions since such diversions are still subject to prior rights. Any diversion in violation of terms and conditions or of these notices is subject to enforcement.

The State Water Board will be monitoring weather forecasts and stream gages to determine if the temporary diversion opportunity should continue. Please monitor your email and our website for further updates on when diversions are authorized, and when curtailments are in place. If an email list notice is issued on the weekend, the website will not be updated until the following Monday due to service limitations.

November 12, 2014

The State Water Resources Control Board (State Water Board) is lifting the water right curtailments for post-1914 water rights in the Sacramento and San Joaquin River watersheds with a priority date of December 31, 1953, and earlier. This action is based on reduced diversion demands after October 31<sup>st</sup>, and the switch in diversion demand from direct diversion to storage. Unless otherwise directed in a future email list notification, all curtailed water rights in the Sacramento and San Joaquin watersheds with a priority date of December 31, 1953, and earlier, may commence diversions.

Water right holders must comply with all terms and conditions of their water right, including the season of diversion and bypass conditions. This notice also does not relieve a right holder of responsibility to comply with other curtailments, like Term 91 Curtailment and Curtailment Orders for Deer Creek. All water right holders should keep a record of their diversions since such diversions are still subject to prior rights. Any diversion in violation of terms and conditions or of these notices is subject to enforcement.

The State Water Board will be monitoring weather forecasts and stream gages to determine if curtailments should be re-imposed in the future, or if lifting of remaining curtailments is appropriate. Please monitor your email and our website for future updates. If an email list notice is issued on the weekend, the website will not be updated until the following Monday due to service limitations.

If you have questions, please contact our Drought Year Curtailment Hotline at: (916) 341-5342.

October 31, 2014

NOTICE OF TEMPORARY OPPORTUNITY TO DIVERT WATER UNDER PREVIOUSLY CURTAILED WATER RIGHTS FOR SACRAMENTO AND SAN JOAQUIN RIVER WATERSHEDS

The State Water Resources Control Board (State Water Board) has temporarily lifted the water rights curtailment for post-1914 water rights in the Sacramento and San Joaquin River watersheds for Friday October 31<sup>st</sup> and continuing to **7 AM on Monday, November 3<sup>rd</sup>**. The temporary lifting of curtailments is based on a predicted rain event. Unless otherwise directed in a future lyris notification, all curtailed water rights in the Sacramento and San Joaquin watersheds must cease diversions at **7 AM on Monday November 3<sup>rd</sup>**. All diversions during this time period must be in accordance with the State Water Board's October 3, 2014 letter and lyris notification.

During this diversion opportunity, you must comply with all terms and conditions of your water right, especially the season of diversion and bypass conditions. This notice also does not relieve your responsibility to comply with other curtailments, like Term 91 Curtailment and Curtailment Orders for Deer Creek. You should keep a record of your diversions since such diversions are still subject to prior rights. Any diversion in violation of terms and conditions or of these notices is subject to enforcement.

The State Water Board will be monitoring weather forecasts and stream gages to determine if the temporary diversion opportunity should continue. Please monitor your email and our website for further updates on when diversions are authorized, and when curtailments are in place. If a lyris notice is issued on the weekend, the website will not be updated until the following Monday due to service limitations. Although curtailments may be lifted on a seasonal basis once weather events allow such action, the current authorization to divert is based on limited duration storm events in the identified watersheds.

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## State Water Resources Control Board

October 3, 2014

In Regards to Water Right(s):

Dear Appropriative Water Right Holder:

As we move into the fall months, conditions in many of our watersheds continue to demonstrate that there is insufficient water available to meet reported demand. Until conditions are adequate to justify lifting curtailments on a long-term basis, the State Water Board plans to temporarily lift curtailments during significant storm events to capture new precipitation. Due to timing concerns, we will only provide electronic notification of these short-term diversion opportunities. Please read below for additional information on this topic.

### Additional Information

On May 27, 2014, the State Water Board issued curtailment notices to all post-1914 appropriative water right holders in the Sacramento-San Joaquin, Russian, and Eel River watersheds, including your rights listed above. Since that time, State Water Board staff has been tracking and analyzing the availability of stream flow and the total senior water right diversion demand to determine whether curtailments should remain in effect. This post-curtailment analysis is available at:

[http://www.waterboards.ca.gov/waterrights/water\\_issues/programs/drought/analysis/](http://www.waterboards.ca.gov/waterrights/water_issues/programs/drought/analysis/).

Due to the possibility for prolonged dry conditions, the State Water Board does not want to limit the potential for water right holders in the curtailed watersheds to collect water to storage during near-term substantial precipitation events. If dry conditions persist, then it is in the public interest to maximize the amount of water diverted to storage for later beneficial use, particularly given the low storage levels at the outset of the water year. Until the time when curtailments are permanently lifted based on the water availability/demand analysis, the State Water Board plans to provide notice of periodic opportunities during storm events to divert water. Since such notices will be reactive to precipitation events, the State Water Board's notices will be distributed on a real-time basis solely via email through the Drought email subscription available at: [http://www.waterboards.ca.gov/resources/email\\_subscriptions/swrcb\\_subscribe.shtml](http://www.waterboards.ca.gov/resources/email_subscriptions/swrcb_subscribe.shtml) (select Water Rights and then Drought Updates). Notices will not be mailed out.

Should the State Water Board temporarily lift curtailments, you will be authorized to immediately divert water under your post-1914 right, provided your right authorizes diversion at that time and you comply with all other terms and conditions of your right.<sup>1</sup> You are responsible for monitoring your email account and taking immediate action to cease diversion of water under your post-1914 rights should the State Water Board send a follow-up curtailment notice. Failure to cease diversions after that notice will be subject to enforcement.

The State Water Board considers implementation of this real-time early precipitation plan in the public interest because it increases water storage supplies at every opportunity. The State Water Board also considers the potential for injury to most senior water right holders to be minimal. The lifting of

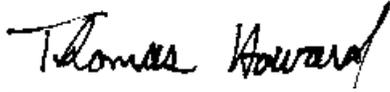
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<sup>1</sup> For example, if your right is subject to Term 91, you may still be restricted from diverting water due to that curtailment condition.

curtailment, however, does not release junior water right holders from the standard obligation to allow water to pass for senior diverters when they must do so to satisfy senior water rights. For this reason, water right holders should maintain a record of daily diversions in case a complaint by a senior right holder alleges injury resulting from the diversions. The State Water Board will request such records if complaints are received.

Water right holders should monitor the State Water Board's email notices and/or website to take advantage of these temporary actions. If there are any questions or concerns about this plan, water right holders may contact Brian Coats at (916) 341-5389.

Sincerely,

A handwritten signature in black ink that reads "Thomas Howard". The signature is written in a cursive style with a large, sweeping initial 'T'.

Thomas Howard  
Executive Director

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## State Water Resources Control Board

May 27, 2014

In Regards to Water Right(s):

### **NOTICE OF UNAVAILABILITY OF WATER AND IMMEDIATE CURTAILMENT FOR THOSE DIVERTING WATER IN THE SACRAMENTO AND SAN JOAQUIN RIVER WATERSHEDS WITH A POST-1914 APPROPRIATIVE RIGHT**

On January 17, 2014, Governor Edmund G. Brown, Jr. proclaimed a State of Emergency (Proclamation) to address the record dry conditions around the State. On the same day, as directed by the Proclamation, the State Water Resources Control Board (State Water Board) issued a statewide notice of water shortages and potential for future curtailment of water right diversions.

#### **Curtailment of Post-1914 Water Rights:**

Based upon the most recent reservoir storage and inflow projections, along with forecasts for future precipitation events, the State Water Board has determined that the existing water supply in the Sacramento and San Joaquin River watersheds is insufficient to meet the needs of all water rights holders. With this notice, the State Water Board is notifying all holders of post-1914 appropriative water rights within the Sacramento and San Joaquin River watersheds of the need to immediately stop diverting under their post-1914 water rights, with the exceptions discussed below. This condition of curtailment will continue until water conditions improve. Even if there is water physically available at your point of diversion, that water is necessary to meet senior water right holders' needs or is water released from storage that you are not entitled to divert. If precipitation occurs in the following weeks or months, you should not commence diversion before being notified by the State Water Board that water is legally available for diversion under your priority of right.

Permission to initiate diversions during or following significant rainfall events may be posted at: [http://www.waterboards.ca.gov/waterrights/water\\_issues/programs/drought/index.shtml#notices](http://www.waterboards.ca.gov/waterrights/water_issues/programs/drought/index.shtml#notices). You can get immediate email updates from the State Water Board about these notices by subscribing to "Drought Updates" at: [http://www.waterboards.ca.gov/resources/email\\_subscriptions/](http://www.waterboards.ca.gov/resources/email_subscriptions/)

#### **Compliance Certification Required:**

Curtailed post-1914 diverters are required to document receipt of this notice by completing an online Curtailment Certification Form (Form) within seven days. The Form confirms cessation of diversion under the specific post-1914 water right, and, if applicable, identifies the alternate water supply to be used in lieu of the curtailed water right. Completion of the Form and identification of alternate rights can avoid unnecessary enforcement proceedings.

Please complete the Form for each post-1914 water right identified through this curtailment at:  
[http://www.waterboards.ca.gov/waterrights/water\\_issues/programs/ewrims/curtailment/](http://www.waterboards.ca.gov/waterrights/water_issues/programs/ewrims/curtailment/)

If you are unable to complete the form online, you should download the Form at:  
[http://www.waterboards.ca.gov/waterrights/water\\_issues/programs/ewrims/curtailment/curtailment\\_certification\\_form.pdf](http://www.waterboards.ca.gov/waterrights/water_issues/programs/ewrims/curtailment/curtailment_certification_form.pdf)  
and email your response to: [SWRCB-Curtailment-Certification@waterboards.ca.gov](mailto:SWRCB-Curtailment-Certification@waterboards.ca.gov).

**Warning of Potential Future Curtailment of Senior Rights:**

You may have received this notice because the State Water Board's records show you divert water under a riparian or pre-1914 water right. As such, it is important that you conserve water due to declining supplies. If current conditions persist, the State Water Board may curtail some pre-1914 and riparian water rights in the near future. If you are a riparian or pre-1914 water right holder located downstream of major reservoir operations (such as the Central Valley Project or State Water Project) which are releasing water from storage and you do not have a contract or transfer order authorizing diversion of the released water, you are not permitted to divert the released water quantity.

**Exceptions to Curtailment:**

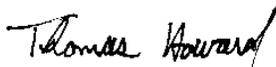
If your post-1914 diversion is your only source for human health and safety purposes, you may contact the State Water Board with information supporting that there is no other available supply and maximum conservation has been implemented. The State Water Board may be able to assist with identifying alternatives on a case-by-case basis. Additionally, if your diversion is for hydroelectric generation and all water diverted is returned to the stream, you may continue to divert under your post-1914 permit or license. If you continue to divert under either of the above circumstances, you must identify that on the Form and provide the information requested.

**Potential Enforcement:**

Those who are found to be diverting water beyond what is legally available to them may be subject to administrative fines, cease and desist orders, or prosecution in court. The State Water Board may levy fines of \$1,000 per day of violation and \$2,500 for each acre-foot diverted or used in excess of a valid water right. (See Water Code, §§ 1052, 1055.) Additionally, if the State Water Board issues a Cease and Desist Order against an unauthorized diversion, violation of any such order can result in a fine of \$10,000 per day. (See Water Code, §§ 1831, 1845.)

The State Water Board is encouraging diverters to work together to reach local voluntary agreements that not only provide solutions that help local communities with water shortages, but also prevent impacts to other legal users of water and do not cause unreasonable effects on fish and wildlife. If you have any questions, please call our Curtailment Hotline at (916) 341-5342, contact us by email at: [SWRCB-Curtailment-Certification@waterboards.ca.gov](mailto:SWRCB-Curtailment-Certification@waterboards.ca.gov), or review our drought year webpage at:  
[http://www.waterboards.ca.gov/waterrights/water\\_issues/programs/drought/index.shtml](http://www.waterboards.ca.gov/waterrights/water_issues/programs/drought/index.shtml)

Sincerely,



Thomas Howard  
Executive Director

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## State Water Resources Control Board

January 17, 2014

### **NOTICE OF SURFACE WATER SHORTAGE AND POTENTIAL FOR CURTAILMENT OF WATER RIGHT DIVERSIONS**

With California facing water shortfalls in the driest year in recorded state history, Governor Edmund G. Brown Jr. has proclaimed a State of Emergency and directed state officials to take all necessary actions to prepare for these drought conditions.

The State Water Resources Control Board (State Water Board) administers California's water rights system and is closely monitoring water availability. The water rights system is designed to provide for the orderly allocation of water supplies in the event that there is not enough water to satisfy everyone's needs. In the coming weeks and months, if dry weather conditions persist, the State Water Board will notify water right holders in critically dry watersheds of the requirement to limit or stop diversions of water under their water right, based on their priority. The right to divert surface water in California is based on the type of right being claimed and when the right was initiated. In times of drought and limited supply, the most recent ("junior") right holder must be the first to discontinue use. Some riparian<sup>1</sup> and pre-1914<sup>2</sup> water right holders may also receive a notice to stop diverting water if their diversions are downstream of reservoirs releasing stored water and there is no natural flow available for diversion.

If you are in a water short area, you should be looking into alternative water supplies for your water needs. Alternative supplies include groundwater wells, purchased water supplies under contractual arrangements, and recycled wastewater. Water right holders are cautioned that groundwater resources are significantly depleted in some areas. Water right holders in these areas should make planting and other decisions accordingly.

We hope that significant precipitation occurs in the next few months and the need to curtail water diversions is unnecessary. However, this notice is to encourage you to plan ahead. Whether you are a water right holder or a residential or business customer of a water service provider, all of California's water users are urged to conserve and use water wisely.

For more information, go to: [Drought State of Emergency](#)  
[State Water Board Drought Information](#)

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<sup>1</sup> Riparian rights entitle the landowner to use a share of the water flowing past their property. While riparian rights require no permits or licenses, they apply only to the water that would naturally flow in the stream and they do not allow the user to divert water for storage or use it on parcels that are not adjacent to the stream or on land that is outside its watershed.

<sup>2</sup> An appropriative water right is one obtained for the use of water on non-riparian land, for diversion to storage, or otherwise beyond what can be done under a riparian right. An appropriative right claimed before 1914 is referred to as a "pre-1914 appropriative water right" and is not subject to permit or license requirements. Water right permits and licenses issued after 1914 by the State Water Board and its predecessors are referred to as "post-1914 appropriative water rights".